

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Emmitt Grier, Jr., :
 :
Plaintiff :
 :
v. : C.A. 05-05 ERIE
 :
 :
Edward J. Klemm, et al., :
 :
Defendants :

AFFIDAVIT

The undersigned, Linda J. Cooney, secretary to Matthew J. McLaughlin, Esquire, does depose and state that I did serve plaintiff, Emmitt Grier, Jr., with a copy of the motion to dismiss pursuant to Fed. R.C.P., 12(b)(6) filed on behalf of defendant, Office of the District Attorney, and brief in support thereof, filed in the above-captioned matter, via United States, First Class Mail, postage pre-paid on January 23, 2006, at the following address: Mr. Emmitt Grier, Jr. - EJ-7879, SCI-Mahanoy, 301 Morea Road, Frackville, PA 17932, and that no notice of undeliverable return was received from the United States Postal Service.

A second copy of the above referenced motion and brief was mailed to plaintiff on March 1, 2006, via United States, First Class Mail, postage pre-paid, to the previously referenced address, when we received plaintiff's request for extension of time to Judge's Order, wherein plaintiff asserts that he never received a copy of the above referenced motion and brief.

The statements and assertions contained herein, are made subject to the penalties for unsworn falsification to authorities under Federal law.

By: _____

Linda J. Cooney
246 West Tenth Street
Erie, PA 16501
(814) 454-1010

Dated: March 13, 2006

EXHIBIT

A